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TAGS: IAEA, AORG, PARM, TECH,
SUBJECT: REPORT ON CONSULTATIONS REGARDING REVISED
TECHNICAL ASSISTANCE GUIDING PRINCIPLES AND
GENERAL OPERATING RULES AND RECOMMENDATIONS.

REF: (A) 77 VIENNA 10538, (B) 77 VIENNA A-0493
1. SUMMARY: ON WEDNESDAY, DECEMBER 28, 1977 MISOFF HELD
INFORMAL CONSULTATIONS WITH REPS OF ARGENTINA AND
INDIA TO REVIEW IAEA SECRETARIAT PROPOSED REVISION OF
GUIDING PRINCIPLES AND GENERAL OPERATING RULES FOR
THE IAEA TECHNICAL ASSISTANCE PROGRAM (GOV/COM.8/60)
AND AMENDMENTS PROPOSED TO THE SECRETARIAT PROPOSAL
AS REPORTED REFS A AND B. THIS CABLE REPORTS RESULTS
OF THOSE CONSULTATIONS AND MISSION RECOMMENDATIONS FOR
U.S. POSITION. END SUMMARY.

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2. THE ANNEX TO GOV/COM.8/60, WHICH IS THE ACTUAL
DRAFT GUIDING PRINCIPLES AND GENERAL OPERATING RULES,
OPENS WITH A LIST OF THE MAJOR OBJECTIVES OF AND
LIMITATIONS ON IAEA TECHNICAL ASSISTANCE WHICH WAS THE
THE SUBJECT OF MUCH COMMENT. ONLY PARAGRAPH 1(I)
SHOULD SERIOUSLY CONCERN THE U.S. GOVERNMENT.

3. PARAGRAPH 1(A). RECOMMEND THAT THE U.S. SUPPORT ROMANIAN PROPOSED AMENDMENT REPORTED REFAIR. (ALL REFERENCES TO SPECIFIC LANGUAGE OF AMENDMENTS WILL BE FOUND IN REFAIR). IT IS A LITTLE DIFFICULT TO UNDERSTAND WHY THE ROMANIAN PROPOSAL IS AN IMPROVEMENT, BUT IT DOES NOT PREJUDICE U.S. NON-PROLIFERATION INTERESTS BY REFERRING TO "FREE ACCESS TO ALL STATES" BECAUSE OTHER PROVISIONS OF PARA 1 SPELL OUT LIMITATIONS ON FREE ACCESS DESIGNED TO PREVENT UNRESTRAINED TRANSFER OF SENSITIVE TECHNOLOGY.

4. RECOMMEND U.S. SUPPORT CANADIAN PROPOSED AMENDMENT, REPORTED REFAIR, PARA 1(B) IN ORDER TO PREVENT LDC'S FROM ARGUING LATER THAT SAFEGUARDS SHOULD BE GIVEN LOWER PRIORITY THAN TECHNICAL ASSISTANCE.

5. RECOMMEND U.S. ACQUIESCE TO MEXICAN PROPOSED AMENDMENT TO PARA 1(C) AS FURTHER AMENDED BY REP OF ARGENTINA. THIS AMENDMENT IS A REORDERING OF THE ORIGINAL LANGUAGE WHICH CHANGES ONLY THE COSMETICS OF THE PARAGRAPH.

6. RECOMMEND U.S. ACQUIESCE IN AMENDMENT PROPOSED BY EGYPTIAN REP TO PARA 1(D). MISSION CAN SEE LITTLE DIFFERENCE IN WHETHER LDC NEEDS ARE GIVEN "SPECIAL CONSIDERATION" OR IF THE TA RESOURCES ARE ALLOCATED LIMITED OFFICIAL USE

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PRIMARILY TO THEIR NEEDS.

7. RECOMMEND U.S. SUPPORT AMENDMENT OF PARA 1(E) PROPOSED BY REP OF INDIA WHICH IS DESIGNED TO KEEP THE PARAGRAPH IN GENERAL TERMS. THE ROMANIAN PROPOSED AMENDMENT APPEARS SIMILARLY ACCEPTABLE.

8. NO AMENDMENTS WERE PROPOSED TO SUB-PARAGRAPHS 1(F) AND 1(G). PARA 1(F) SETS OUT THAT TECHNICAL ASSISTANCE IS PROVIDED TO GOVERNMENTS IN ACCORDANCE WITH REQUESTS MADE BY GOVERNMENTS, AND COULD BE IMPROVED BY REFERENCE TO REQUESTING MEMBER GOVERNMENTS. PARAGRAPH 1(G) SETS OUT THAT TA REQUESTS SHALL BE MADE IN ADVANCE AND THAT REQUESTING GOVERNMENTS SHALL MAKE APPROPRIATE ADVANCE PREPARATIONS. THIS SUB-PARAGRAPH SEEMS ONLY marginally APPROPRIATE IN THE GENERAL STATEMENT OF THE GUIDING PRINCIPLES, BUT THE MISSION DOES NOT PROPOSE THAT U.S. MAKE STATEMENT ADVOCATING ITS DELETION.

9. RECOMMEND PROPOSAL OF AMENDMENT OF PARAGRAPH 1(H) TO READ AS FOLLOWS: THE AGENCY'S SAFETY STANDARDS AND MEASURES SHALL BE THE MINIMUM APPLIED TO ALL

OPERATIONS MAKING USE OF TECHNICAL ASSISTANCE PROVIDED.

THIS SUB-PARAGRAPH WAS THE SUBJECT OF EXTENSIVE DISCUSSION AT THE CONCLUSION OF WHICH THERE WAS NO AGREEMENT ON BEST LANGUAGE. DURING INFORMAL CONSULTATIONS BETWEEN MISOFF AND REPS OF INDIA AND ARGENTINA THE ABOVE WORDING WAS WORKED OUT AS BEST MEETING THE NEED OF THE IAEA TO PROTECT TA EXPERTS AND PREVENT MISAPPLICATION OF EQUIPMENT PROVIDED, AND PRESERVING THE FLEXIBILITY OF TA RECIPIENT GOVERNMENTS TO APPLY MORE STRINGENT

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10. PARAGRAPH 1() WILL BE ONE OF THE MAJOR POINTS OF CONFLICT BETWEEN THE U.S. AND THE NON-NPT PARTIES ON THE IAEA BOARD OF GOVERNORS. THE INDIAN-ARGENTINE POSITION AS EXPLAINED IN INFORMAL CONSULTATIONS IS THAT THE FIRST SENTENCE BE REPLACED BY "TECHNICAL ASSISTANCE SHALL NOT BE USED TO FURTHER ANY MILITARY PURPOSE." REPS OF INDIA AND ARGENTINA ARGUED THAT THIS AMENDMENT SHOULD BE ACCEPTED ON PRACTICAL GROUNDS EXPLAINING THAT THEY DO NOT EXPECT TO SEE TA IN THE AREA OF NUCLEAR EXPLOSIVE MANUFACTURE, AND THAT THE LANGUAGE IN THE GUIDING PRINCIPLES IS REDUNDANT OF THE LANGUAGE IN THE SAFEGUARDS AGREEMENTS WHICH MUST BE EXECUTED UNDER THE RULES LAID OUT IN GOV/INF/334 (SUCCESSOR DOCUMENT TO GOV/1853). ON THE BASIS OF THIS REDUNDANCY THEY ARGUE THAT THE U.S. WILL SUFFER NO PRACTICAL LOSS IN ACCEPTING THE WATERED-DOWN LANGUAGE IN THE FIRST SENTENCE. MISSION NOTES THAT THE ORIGINAL LANGUAGE DOES NOT RULE OUT THE

POSSIBILITY THAT P.N.E. SERVICES WILL BE AVAILABLE
UNDER THE TECHNICAL ASSISTANCE PROGRAM. MISSION CAN
CONVERSELY TO THE REPS OF INDIA AND ARGENTINA SEE NO
PRACTICAL EFFECT IF THE U.S. PREFERRED POSITION IS
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ADOPTED. MISSION RECOMMENDS THAT U.S. POSITION FAVOR
A STRONG STATEMENT IN GUIDING PRINCIPLES AGAINST
MANUFACTURE OF NUCLEAR EXPLOSIVES, BUT AT THE SAME
TIME EXPRESSLY RECOGNIZE THAT TECHNICAL ASSISTANCE
IN THE AREA OF PNE'S IS NOT PRECLUDED BY THE
ORIGINAL LANGUAGE WHEN AND IF PNE'S BECOME APPROPRIATE.
MISSION RECOMMENDS ACCEPTANCE OF AMENDMENT TO SECOND
SENTENCE OF PARA 1(I) WHICH WAS FORMULATED BY SECRETARIAT
IN THE EVENT THAT THE ORIGINAL LANGUAGE IS STRONGLY
OPPOSED. THE U.S. INTEREST SEEMS TO FAVOR RECOGNITION
THAT THE B.G. WILL, SEPARATELY OF THE GUIDING PRINCIPLES,
MAKE THE RULES UNDER WHICH SAFEGUARDS WILL BE REQUIRED
IN CONNECTION WITH TECHNICAL ASSISTANCE.THE EXACT
MANNER OF STATING THIS SEEMS OF LITTLE CONSEQUENCE'
THE THIRD SENTENCE OF PARAGRAPH 1(I) SEEMS SUPERFLOUS
AND MISSION RECOMMENDS NOT OPPOSING ARGENTINE PROPOSAL
TO DELETE IT.

11. MISSION RECOMMENDS AMENDMENT.OF SUB-PARAGRAPH 1(J)
TO READ "TO THE EXTENT RELEVANT, THE AGENCY'S
RECOMMENDATIONS REGARDING THE PHYSICAL PROTECTION OF
NUCLEAR FACILITIES AND MATERIALS SHALL BE THE MINIMUM
APPLIED TO FACILITIES AND MATERIALS PROVIDED BY OR
RESULTING IN WHOLE OR IN PART FROM THE AGENCY'S
TECHNICAL ASSISTANCE PROGRAM." THE REPS OF INDIA AND
ARGENTINA INFORMALLY AGREED TO THE PRECEDING LANGUAGE
DURING CONSULTATIONS.

12. MISSION HAS NO COMMENT ON PARAGRAPHS 2 AND 3 OF
THE GUIDING PRINCIPLES WHICH SIMPLY STATE ELIGIBILITY
CRITERIA FOR T.A.

13. MISSION RECOMMENDS DELETION OF THE WORD "RECIPIENT"
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FROM THE FOURTH LINE OF PARAGRAPH 4 OF THE GUIDING
PRINCIPLES AND SILENCE CONCERNING THE AMENDMENT PROPOSED
BY REP OF ARGENTINA. THE U.S. PROVIDES FUNDS-IN-TRUST
FOR TECHNICAL ASSISTANCE BUT IS NOT A TECHNICAL
ASSISTANCE RECIPIENT WHEREAS OTHER COUNTRIES BOTH

PROVIDE FUNDS AND RECEIVE T.A. THE AMENDMENT PROPOSED BY ARGENTINE REP DOES NOT RESTRICT RIGHT OF STATES PROVIDING FUNDS-IN-TRUST FROM APPLYING CRITERIA WHICH THE IAEA COULD NOT APPLY UNILATERALLY, SUCH AS NPT ADHERENCE. OTHER REPS SUCH AS EGYPT MAY ARGUE FOR IMPOSITION OF A PROHIBITION ON DONORS APPLYING CRITERIA WHICH THE IAEA COULD NOT APPLY IN MAKING FUNDS-IN-TRUST GRANTS FOR TECHNICAL ASSISTANCE. THE MISSION RECOMMENDS OPPOSITION TO SUCH PROPOSALS IF THEY APPEAR.

14. MISSION RECOMMENDS NO CHANGES IN PARAGRAPHS 5, 6 AND 7. THE COMMENTS MADE BY THE REP OF CANADA ARE CERTAINLY OF INTEREST TO THE BOARD OF GOVERNORS, BUT THEY DO NOT SUGGEST A NEED TO AMEND PARAGRAPH 7.

15. MISSION RECOMMENDS AMENDMENT OF PARAGRAPH 8 BY DELETION OF THE LIST OF AREAS IN WHICH TECHNICAL ASSISTANCE IS TO BE PROVIDED. REPS OF INDIA AND ARGENTINA AGREED TO THIS PROPOSAL IN INFORMAL CONSULTATIONS. THE LIST OF AREAS IN WHICH TECHNICAL ASSISTANCE IS GENERALLY PROVIDED COULD BEST BE INCLUDED IN THE FORM OF A FOOTNOTE AS FOLLOWS "FIELDS IN WHICH TECHNICAL ASSISTANCE HAS BEEN PROVIDED IN SUBSTANTIAL AMOUNTS ARE", FOLLOWED BY THE LIST OF TEN OR ELEVEN ITEMS FROM PARAGRAPH 8. THIS FORMAT WILL ELIMINATE THE NEED FOR DISCUSSION OF THE INDIAN PROPOSED ADDITION (L) CONCERNING EXPLOITATION OF NATURAL RESOURCES. MISSION ALSO RECOMMENDS SUPPORT FOR MEXICAN PROPOSAL TO DELETE "SPECIFICALLY" FROM THE SECOND LINE. PARAGRAPH 9 WOULD BECOME MEANINGLESS WITH DELETION OF THE LIST

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IN PARAGRAPH 8 AND SHOULD BE DELETED ENTIRELY.

16. MISSION RECOMMENDS NO COMMENT ON PARAGRAPHS 10 AND 11.

17. MISSION RECOMMENDS AT LEAST LOWKEY SUPPORT FOR DELETION OF PARAGRAPH 12. DURING INFORMAL CONSULTATIONS REP OF ARGENTINA INFORMED MISOFF THAT PARA 12 HAD BEEN ADDED ON THE ADVICE OF THE RUSSIAN MEMBER OF THE GROUP OF EXPERTS TO CONSIDER TECHNICAL ASSISTANCE. ON ITS FACE VALUE PARAGRAPH 12 PROBABLY IS NOT NECESSARY AND IT IS POSSIBLE TO GIVE IT MEANINGS WHICH WOULD PROVIDE SOME DONOR COUNTRIES WITH A MEANS TO ADVANCE POLITICAL OBJECTIVES QUITE UNRELATED TO IAEA TECHNICAL ASSISTANCE.

18. DURING CONSULTATIONS INDIAN REP AGREED THAT DELETION OF WORDS "MULTI-DISCIPLINARY" IN PROPOSED AMENDMENT TO PARA 13 WOULD REMOVE POSSIBLE CONFUSION AS TO THE NATURE OF THE REGIONAL PROJECTS WHICH WOULD BE SUPPORTED BY IAEA T.A. MISSION RECOMMENDS SUPPORT OF INDIAN PROPOSED AMENDMENT AS MODIFIED.
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19. MISSION RECOMMENDS NO AMENDMENT OR COMMENT ON PARAGRAPH 14.

20. MISSION RECOMMENDS NO OPPOSITION TO PROPOSED AMENDMENT TO PARAGRAPH 15 AS A WAY OF MAKING IT CLEAR THAT MEMBER STATES ARE NOT OBLIGATED TO ACCEPT IAEA TECHNICAL ASSISTANCE, AND TO MEXICAN PROPOSAL TO REWORD THE LAST SENTENCE.

21. MISSION RECOMENND S SUPPORT OF ARGENTINE PROPOSAL TO DELETE PARAGRAPH 16 AS UNNECESSARY IN VIEW OF INCLUSION OF PARAGRAPH 20.

22. MISSION RECOMMENDS NO AMENDMENT OF PARAGRAPHS 17 THROUGH 22.

23. MISSION RECOMMENDS AMENDMENT OF PARGRAPHS 23 AND 26 BY DELETION OF THE WORDS "THE CONCLUSION OF AN AGREEMENT FOR" FROM LINES 5 OF BOTH PARAGRAPHS. THE ORIGINAL LANGUAGE WOULD HAVE BEEN CONTRARY TO THE STATUTORY PROHIBITION ON THE APPLICATION OF POLITICAL CRITERIA IN GIVING THE D.G. MORE DISCRETION IN DEALING WITH MEMBER STATES WHICH HAVE ADOPTED FULL SCOPE SAFE-GUARDS THAN WITH OTHERS. REMOVAL OF THE D.G.'S

DISCRETION WILL PROVIDE EQUAL TREATMENT FOR ALL. NON-NPT PARTIES CAN BE EXPECTED TO ARGUE FOR BG APPROVAL OF THE SAFEGUARDS AGREEMENT, RATHER THAN FOR TOTALLY REMOVING THE D.G.'S DISCRETION. WITH THESE CHANGES MISSION RECOMMENDS APPROVAL OF PARAGRAPHS 23 AND 26 BECAUSE THEY WILL LEND DESIRABLE FLEXIBILITY TO THE TA PROGRAM.

24. MISSION RECOMMENDS NO CHANGE IN PARAGRAPHS 24, LIMITED OFFICIAL USE

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27, 29 AND 30.

25. MISSION RECOMMENDS APPROVAL OF PARAGRAPH 25. THE RESERVE FUND WILL MAKE IT FEASIBLE FOR THE AGENCY TO RESPOND PROMPTLY TO EMERGENCY REQUESTS SUCH AS RESULTED FROM THE EARTHQUAKE IN ROMANIA. THESE REQUESTS WERE SUBMITTED AFTER THE CLOSING DATE FOR T.A. REQUESTS AND WERE TREATED BY THE AGENCY ONLY UNDER EXCEPTIONAL PROCEDURES. SUCH REQUESTS SHOULD NOT REQUIRE THAT A SPECIAL AD HOC PROCEDURE BE ESTABLISHED EACH TIME AND PARA 25 FORMS A BASIS FOR INSTITUTIONALIZING EMERGENCY PROCEDURES.

26. MISSION RECOMMENDS SUPPORT FOR ORIGINAL LANGUAGE OF PARA 28, SUBJECT TO AMENDMENTS WHICH STRENGTHEN DG'S HAND IN CANCELLING PROJECTS WHICH REMAIN UNIMPLEMENTED AFTER REASONABLE TIME. DURING INFORMAL CONSULTATIONS REPS OF INDIA AND ARGENTINA INDICATED THAT THEIR GOVERNMENTS WOULD NOT SUPPORT AMENDMENTS PROPOSED BY EGYPT AND MEXICO (SEE REPAIR). MISSION RECOMMENDS THAT U.S. JOIN OPPOSITION TO CONCEPT THAT UNUSED RESOURCES BE REPROGRAMMED IN THE COUNTRY WHICH WAS INITIALLY UNABLE TO USE THEM.

27. ACTION REQUESTED: MISSION REQUESTS GUIDANCE FOR CONSULTATIONS TO TAKE PLACE PRIOR TO IAEA BOARD OF GOVERNORS MEETING IN FEBRUARY. STONE

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